

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL WAYNE PARSONS,

Defendants.

4:17CR3038

GOVERNMENT'S PROPOSED
AMENDED
JURY INSTRUCTION NO. 1

COMES NOW the United States of America and proposes the attached Amended Jury Instruction No. 1 in the above-captioned case.

UNITED STATES OF AMERICA, Plaintiff

JOSEPH P. KELLY
United States Attorney
District of Nebraska

By: s/ Jan W. Sharp
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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants. I also hereby certify that a copy of the same was served by regular mail, postage prepaid, to the following non-CM/ECF participants: NONE.

s/ Jan W. Sharp
Assistant U.S. Attorney

GOVERNMENT’S PROPOSED AMENDED JURY INSTRUCTION NO. 1

It is a crime for a felon to possess a firearm as charged in Count 1 of the indictment. This crime has three elements, which are:

One, the defendant had been convicted of a crime punishable by imprisonment for more than one year;

Two, after that, the defendant knowingly possessed a firearm and/or ammunition, that is a Rock River 5.56 LAR 15 assault rifle and ~~637 rounds of ammunition (87 rounds of .223 ammunition further identified as Light Armor Piercing ammunition and 550 rounds of .300 Blackout ammunition;~~ and

Three, the firearm or ammunition was transported across a state line at some time during or before the defendant's possession of it.

You are instructed that aggravated assault is a crime punishable by imprisonment for more than one year under the laws of the State of Tennessee.

If you have found beyond a reasonable doubt that the firearm in question was manufactured in a state other than Nebraska and that the defendant possessed that firearm in the state of Nebraska, then you may, but are not required to, find that it was transported across a state line.

The term “firearm” means any weapon, (including a starter gun), which will, or is designed to, or may be readily converted to, expel a projectile by the action of an

explosive. *A firearm does not need to be operable to constitute a firearm so long as it otherwise meets the definition set forth above.*¹

If all of these elements have been proved beyond a reasonable doubt then you must find the defendant guilty of the crime charged; otherwise you must find him not guilty.

Manual of Model Criminal Jury Instructions for the District Courts of the Eighth Circuit,
6.18.922A

Manual of Model Criminal Jury Instructions for the District Courts of the Eighth Circuit,
3.09

¹ United States v. Maddix, 96 F.3d 311, 316 (8th Cir. 1996)